

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Southern District)**

THOMAS ALSTON,

\*

Plaintiff,

\* Civil Action No: 8:17-cv-02748-TDC

v.

\*

ABC FINANCIAL SERVICES, INC., *et al.*,

\*

Defendants.

\*

\* \* \* \* \*

**DEFENDANTS' CONSOLIDATED MOTION TO DISMISS  
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Defendants ABC Financial Services Inc. ("ABC"), LMD Gyms, LLC ("LMD") and GBG, Inc. ("GBG") respectfully submit the following consolidated motion (the "Motion"). ABC respectfully moves pursuant to Federal Rule 12(b)(6) to dismiss Count I of Plaintiff's Amended Complaint against it for failure to state a claim upon which relief can be granted. ABC, LMD, and GBG respectfully move pursuant to Federal Rule 12(b)(6) to dismiss Counts II and III of Plaintiff's Amended Complaint against them for failure to state a claim upon which relief can be granted. In the alternative, ABC, LMD, and GBG respectfully move pursuant to Federal Rule 56 for the entry of summary judgment on their behalf. The Defendants provide the following reasons in support of the Motion:

1. There is no genuine issue of material fact that could preclude summary judgment, and the Moving Defendants are entitled to judgment as a matter of law.
2. The grounds and authority for this Motion are set forth more fully in the attached Memorandum of Law, which is incorporated herein by reference.

WHEREFORE, the Defendants respectfully request that the Court:

1. Dismiss Count I as alleged against Defendant ABC Financial Services, Inc. for failure to state a claim upon which relief can be granted; and
2. Dismiss Counts II and III as alleged against ABC Financial Services, Inc., LMD Gyms, LLC and GBG, Inc. for failure to state a claim upon which relief can be granted; or, alternatively
3. Enter summary judgment in favor of Defendant ABC Financial Services, Inc. on all Counts and enter summary judgment in favor of Defendants LMD Gyms, LLC and GBG, Inc. with respect to Counts II and III.

Respectfully submitted,

Dated: October 19, 2017

/s/ Donald A. Rea

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/s/ Bradley T Canter

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*Counsel for Defendant  
ABC Financial Services, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19th day of October, 2017, a copy of foregoing Motion to Dismiss or in the Alternative for Summary Judgment, Memorandum of Law in Support, and proposed Orders were sent by electronic and first-class mail, postage prepaid, to:

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*Pro Se Plaintiff*

/s/ Amanda R. Paige

Amanda R. Paige